

MONTANA LEGISLATIVE HISTORY

Chapter 36 19 1937 AKA 77.1.102

Bill H S Original bill & history C

H. Committee on

Hearing Date(s) C

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Date Out C

S. Committee on

Hearing Date(s) C

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Did this bill originate in an interim committee? Yes No

Committee

Report

There is no legislative history available at the Historical Society other than the introduced bill which was not amended except for the text shown on Page 129 of the 25th leg session House Journal.

No indication of where text came from or why.

Mr. Speaker: We, your Committee on State Lands, having had under consideration House Bill No. 116, respectfully report as follows: That House Bill No. 116 be amended as follows:

On line five (5) of page two (2), after the word "situated" insert: "provided, however, that if there is no county surveyor of the county wherein the lands are situated, or if the county surveyor is unable to make such survey or if the best interests of the State so require, the State Board of Land Commissioners shall appoint a qualified surveyor to make such surveys."

On line six (6) of page two (2) after the word "Surveyor" insert: "or other surveyor appointed by the State Board of Land Commissioners"

On line fifteen (15) of page two (2) after the word "Surveyor" insert: "or other surveyor appointed by the State Board of Land Commissioners" And as amended do pass.

MILLER (Big Horn), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Workmen's Compensation, having had under consideration House Bill No. 109, respectfully report as follows: That House Bill No. 109 do pass.

FINNEGAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Dairying, having had under consideration House Bill No. 108, respectfully report as follows: That House Bill No. 108 be amended as follows: By striking out in lines 20, 21 and 23, the word "preserved" and inserting in lieu thereof the word "protected", and as so amended the Bill do pass.

PETERSON (Sheridan), Vice Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 28, respectfully report as follows: That Senate Bill No. 28 be concurred in.

STROMNES, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Bill No. 1, respectfully report as follows: That Senate Bill No. 1 be amended as follows:

By striking figures "1938" Line 7 of Title and inserting in lieu thereof figures "1937."

At line 10, page 1, after the words "and after the", add the words "passage and approval of this Act," striking the words "twentieth day of May, 1937,".

At line 19, page 11, change the figure "1938" to "1937".

At line 20, page 1, change the figure "1938" to "1937".

At line 22, page 1, following the sentence ending "provided by law.", add the following sentence: "This Act shall not apply to the purchaser of any certificate of sale made prior to the passage and approval of this Act."

At line 3, page 2, change the figure "1938" to "1937".

At line 18, page 2, following the words "from and after", add the words "its passage and approval.", striking the words "the twentieth day of May, 1937."

At line 21, page 2, change the figure "1938" to "1937".

At line 21, page 2, change the word "effect" to "affect".

And as amended, be concurred in.

STROMNES, Chairman.

Report adopted.

Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Twenty-fifth Legislative Assembly In Regular Session

Held at Helena, the Seat of Government of Said State,
Commencing January 4th, 1937, and
Ending March 4th, 1937

Including Constitutional Amendments Voted Upon by the People
at the General Election Held November 3rd, 1936

PUBLISHED BY AUTHORITY



or Town Councils to Transfer or Lease Municipal Property.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That Section 5039.61 of the Revised Codes of Montana of 1935, be, and the same hereby is amended to read as follows:

Power of city
council to sell,
lease or
dispose of
property.

"Section 5039.61. The city or town council has power; to sell, dispose of, or lease any property belonging to a city or town, provided, however, that such lease or transfer be made by ordinance or resolution passed by a two-thirds vote of all the members of the council; and provided further that if such property be held in trust for a specific purpose such sale or lease thereof be approved by a majority vote of taxpayers of such municipality cast at an election called for that purpose; and provided further that nothing herein contained shall be construed to abrogate the power of the board of park commissioners to lease all lands owned by the city heretofore acquired for parks within the limitations prescribed by sub-division 5 of Section 5162, Revised Codes of Montana of 1935."

Right of park
commissioners
to lease land
not affected.

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 19, 1937.

CHAPTER 36

An Act Declaring Certain Lands Forming Part of the Abandoned River Bed of Any Navigable Stream or Lakes in This State and Certain Islands in Such Streams or Lakes Property of the State of Montana to Be Held in Trust for the Benefit of the Public Schools of the State; Providing for the Leasing and Sale of Such Lands and the Disposition of Proceeds Therefrom; Providing for the Survey of Such Lands; Approving and Confirming Any Action Heretofore Taken Concerning the Lease and Sale of Such Lands and Disposing of the Proceeds Thereof and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Abandoned Beds of Navigable Streams and Lakes and Certain Islands in Such Streams and Lakes Declared Property of the State of Montana.** All lands lying and being in and forming a part of the abandoned bed of any navigable stream or lake in this state and lying between the meandered lines of such stream or lake as the same are shown by the United States survey thereof and all islands existing in the navigable streams or lakes in this state which have not been surveyed by the government of the United States and all lands which at any time in the past comprised such an island or any part thereof except such lands as are occupied by and belong to the adjacent landowners as accretions belong to the State of Montana to be held in trust for the benefit of the public schools of the state.

Abandoned
beds of
navigable
streams and
certain islands
declared
property of
state.

Section 2. **Administration of Lands by the State of Montana.** The state board of land commissioners of the State of Montana shall have the authority and it shall be the duty of said board to lease or sell said lands in the same manner as other school lands of the state are leased and sold. The state board of land commissioners may sell or lease said lands without having the same surveyed but if the said board shall deem it to be to the best interests of the state the said board shall have said lands surveyed as hereinafter directed. The proceeds from the leasing and sale of such lands shall be disposed of in the same manner as disposition is now made of the proceeds from the leasing and sale of school lands of the State of Montana.

Land board
may sell or
lease.

May have lands
surveyed
before sale.

Proceeds, how
disposed of.

Section 3. **Survey of Lands.** Whenever the state board of land commissioners shall deem it necessary that any of the lands mentioned in Section 1 hereof be surveyed the said board shall cause the same to be surveyed by the county surveyor of the county in which said lands shall be situated; provided, however, that if there is no county surveyor of the county wherein the lands are situated, or if the county surveyor is unable to make such survey or if the best interests of the state so require, the state board of land commissioners shall appoint a qualified surveyor to make such surveys, and it shall be the duty of such county surveyor, or other surveyor appointed by the state board of land commissioners, to make such surveys when directed so to do by the said

Land board
may have lands
surveyed by
county
surveyor.

When board
may appoint
surveyor.

Duties of
surveyors.

Plat and field
notes to be
filed.

Fees of
surveyor.

Lands already
sold or leased
approved.

Repealing
clause.

state board of land commissioners and he must make an actual survey thereof establishing four (4) corners of every quarter section and connecting the same with a United States survey and within thirty (30) days after such survey file in the office of the county clerk and recorder of said county a copy under oath of his field notes and plat and shall file a duly certified copy of said field notes and plat with the commissioner of state lands and investments. For the services required in connection with the survey the county surveyor or other surveyor appointed by the state board of land commissioners shall be entitled to fees as prescribed in Section 4921, Revised Codes of Montana, 1935. Such fees shall be paid in the same manner as other expenses of the department of state lands and investments of the State of Montana.

Section 4. Prior Action Approved. Any action heretofore taken by the department of state lands and investments and any officer or employee thereof in leasing or selling such lands as mentioned in Section 1 hereof and disposing of the proceeds thereof in the same manner as disposition is now made of the proceeds from the leasing and sale of school lands is hereby approved and confirmed.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Section 6. This act shall be in full force and effect from and after the date of its passage and approval.

Approved February 19, 1937.

CHAPTER 37

An Act Relating to Photography; Defining and Regulating the Practice Thereof, and Providing a License Therefor, and Creating a Board of Examiners in Photography.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Photography Defined.

(a) Photography is defined to be:

1. The production of pictures by the action of light on prepared sensitive surfaces;

2. The processes of projecting and registering images by means of lens and camera upon sensitized materials, development and fixation of the latent image to render same visible and permanent, and the subsequent reproduction or transfer of such image, either negative or positive, upon other sensitized material by aid of light and chemical action.

(b) The practice of photography is defined to be the business or profession, occupation or avocation of taking or producing photographs, or any part thereof, for hire.

Section 2. Creation of Board. The board of examiners in photography is hereby created. Said board shall consist of five (5) members, to be appointed by the governor. Each of said members shall have been engaged in the practice of photography in the state for not less than five (5) years next preceding his appointment. The terms of the members first appointed shall be, one (1) for five (5) years; one (1) for four (4) years; one (1) for three (3) years; one (1) for two (2) years; and one (1) for one (1) year. Thereafter the term of each member shall be for five (5) years.

Section 3. Organization; Duties of Officers; Meetings; Compensation.

(a) Within thirty (30) days after the appointment of the members thereof, the board shall organize by electing one (1) of its members as president, one (1) as vice-president, and one (1) as secretary and treasurer. The board shall make such rules and regulations as may be necessary to the performance of its duties. A majority of the board shall constitute a quorum.

(b) It shall be the duty of the president to preside at all meetings. In the absence or incapacity of the president, the vice-president shall assume his duties. It shall be the duty of the secretary-treasurer to keep a record of all proceedings of the board, which shall be open at all times to public inspection. He shall have custody of all funds and shall hold, use or expend such funds only in the manner hereinafter provided. He shall give such surety bond as the board shall from time to time prescribe, in not less than double the amount

"Photography defined.

Practice of photography defined.

Board of examiners in photography.

Term and qualifications.

Organization.

Officers.

Rules and regulations.

Quorum.

Duties of officers.